

83 Mar. 7

# STATE REGISTER

STATE OF MINNESOTA

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Printing Schedule for Agencies

Issue Number	*Submission deadline for Executive Orders, Adopted Rules and **Proposed Rules	*Submission deadline for State Contract Notices and other **Official Notices	Issue Date
SCHEDULE FOR VOLUME 7			
37	Monday Feb 28	Monday Mar 7	Monday Mar 14
38	Monday Mar 7	Monday Mar 14	Monday Mar 21
39	Monday Mar 14	Monday Mar 21	Monday Mar 28
40	Monday Mar 21	Monday Mar 28	Monday Apr 4

\*Deadline extensions may be possible at the editor's discretion; however, none will be made beyond the second Wednesday (12 calendar days) preceding the issue date for rules, proposed rules and executive orders, or beyond the Wednesday (5 calendar days) preceding the issue date for official notices. Requests for deadline extensions should be made only in valid emergency situations.

\*\*Notices of public hearings on proposed rules and notices of intent to adopt rules without a public hearing are published in the Proposed Rules section and must be submitted two weeks prior to the issue date.

Instructions for submission of documents may be obtained from the Office of the State Register, 506 Rice Street, St. Paul, Minnesota 55103, (612) 296-0930.

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The *State Register* is the official publication of the State of Minnesota, containing executive orders of the governor, proposed and adopted rules of state agencies, and official notices to the public. Judicial notice shall be taken of material published in the *State Register*.

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How to Follow State Agency Rulemaking Action in the State Register

State agencies must publish notice of their rulemaking action in the State Register. If an agency seeks outside opinion before promulgating new rules or rule amendments, it must publish a NOTICE OF INTENT TO SOLICIT OUTSIDE OPINION. Such notices are published in the OFFICIAL NOTICES section. Proposed rules and adopted rules are published in separate sections of the magazine.

The PROPOSED RULES section contains:

- Calendar of Public Hearings on Proposed Rules.
• Proposed new rules (including Notice of Hearing and/or Notice of Intent to Adopt Rules without A Hearing).
• Proposed amendments to rules already in existence in the Minnesota Code of Agency Rules (MCAR).
• Proposed temporary rules.

The ADOPTED RULES section contains:

- Notice of adoption of new rules and rule amendments (those which were adopted without change from the proposed version previously published).
• Adopted amendments to new rules or rule amendments (changes made since the proposed version was published).
• Notice of adoption of temporary rules.
• Adopted amendments to temporary rules (changes made since the proposed version was published).

ALL ADOPTED RULES and ADOPTED AMENDMENTS TO EXISTING RULES published in the State Register and filed with the Secretary of State before September 15, 1982, are published in the Minnesota Code of Agency Rules 1982 Reprint. ADOPTED RULES and ADOPTED AMENDMENTS TO EXISTING RULES filed after September 15, 1982, will be included in a new publication, Minnesota Rules, scheduled for publication in late summer 1983. In the MCAR AMENDMENT AND ADDITIONS listing below, the rules published in the MCAR 1982 Reprint are identified with an asterisk. Proposed and adopted TEMPORARY RULES appear in the State Register but are not published in the 1982 Reprint due to the short-term nature of their legal effectiveness.

The State Register publishes partial and cumulative listings of rule action in the MCAR AMENDMENTS AND ADDITIONS list on the following schedule:

Table with 2 columns: Issue range and Issue number. Includes: Issues 1-13, inclusive (Issue 39, cumulative for 1-39); Issues 14-25, inclusive (Issues 40-51, inclusive); Issue 26, cumulative for 1-26 (Issue 52, cumulative for 1-52); Issue 27-38, inclusive.

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# EXECUTIVE ORDERS

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## Executive Order No. 83-4

### Providing for Public Approval Requirement of Internal Revenue Code for the Port Authority, City of St. Paul

I, Rudy Perpich, Governor of the State of Minnesota, by virtue of the authority vested in me by the Constitution and the applicable statutes, do hereby issue this Executive Order:

WHEREAS, Section 103(k) of the Internal Revenue Code of 1954, as amended, (the "Code") requires that all industrial revenue bonds issued after December 31, 1982 satisfy certain public approval requirements prior to their issuance; and

WHEREAS, the Port Authority of the City of Saint Paul (the "Port Authority") has been advised by its bond counsel that in the absence of a curative legislative amendment or regulation or ruling of the Internal Revenue Service, the tax exempt status of any industrial development bonds issued by the Port Authority after December 31, 1982 will be impaired unless the State of Minnesota takes the action herein contemplated to satisfy the said public approval requirements; and

WHEREAS, the action to be taken by the State of Minnesota pursuant to this ORDER is consistent with the laws of the State of Minnesota and within the authority vested in the Governor of the State of Minnesota, and best serves the interests of the State of Minnesota and the City of Saint Paul,

NOW, THEREFORE, BE IT ORDERED by the Governor of the State of Minnesota as follows:

1. For purposes of conducting the public hearing required under Section 103(k) of the Code, the Port Authority of the City of Saint Paul is hereby designated to act as an agent for the State of Minnesota at such time as the Port Authority conducts the public hearing undertaken by the Port Authority under Minnesota Statutes Chapter 474 with respect to all revenue bonds which are "industrial development bonds" within the meaning of Section 103(b) of the Code. Upon conducting such public hearing and, if application for approval for the project is made to the Commissioner of Energy, Planning and Development and such approval is given by the Commissioner, the Commissioner shall, at the request of the Port Authority, forward the application and approval of the Commissioner to the Governor for purposes of securing from the Governor, or any designee of the Governor permitted under Section 103(k) of the Code, approval of the bond issue so as to provide adequate assurances that the public approval requirements of Section 103(k) of the Code have been duly satisfied and for no other purpose.

2. Neither this ORDER nor any agreement executed for the purposes of implementing the same shall impose any obligation on the Governor or his designee to approve any bond issue forwarded to him for approval as provided herein.

3. Any approval given by the Governor or his designee in accordance with the provisions of this ORDER shall not be construed as imposing any liability upon the Governor, his designee or the State of Minnesota, whether or not such action in fact satisfies the public approval requirements of Section 103(k) of the Code.

Pursuant to Minnesota Statutes 1978, Section 4.035, this Order shall be effective 15 days after its publication in the *State Register* and filing with the Secretary of State and shall remain

in effect until it is rescinded by proper authority or it expires in accordance with Section 4.035, Subdivision 3.

IN TESTIMONY WHEREOF, I hereunto set my hand this 8th day of February, 1983.



### AGENCY AGREEMENT

THIS AGENCY AGREEMENT made and entered into as of the 15th day of February, 1983, by and between the State of Minnesota (the "State") and the Port Authority of the City of Saint Paul, a body politic organized and existing under the laws of the State of Minnesota (the "Authority").

WITNESSETH:

WHEREAS:

A. Section 103(k) of the Internal Revenue Code of 1954, as amended (the "Code"), requires that all industrial development bonds issued after December 31, 1982, satisfy certain public approval requirements prior to their issuance; and

B. The Authority has been advised by its bond counsel that in the absence of a curative legislative amendment to the Code or regulation or ruling of the Internal Revenue Service, the tax exempt status of any industrial development bonds issued by the Authority after December 31, 1982, may be impaired unless the State of Minnesota takes the action contemplated by this Agency Agreement; and

C. The State and the Authority had adequate authority to enter into this Agency Agreement, and such Agency Agreement best serves the interests of the State of Minnesota, the City of Saint Paul, and the Port Authority of the City of Saint Paul.

NOW, THEREFORE, in consideration of the mutual covenants herein contained, it hereby agreed by and between the parties hereto as follows:

1. The State and the Authority agree that all public hearings heretofore or hereafter conducted by the Authority under Minnesota Statutes, Chapter 474, shall be deemed to have been conducted on behalf of the State for purposes of conducting the public hearing required under Section 103(k) of the Internal Revenue Code of 1954, as amended (the "Code"), with respect to all Authority revenue bonds which are "industrial development bonds" within the meaning of Section 103(b) of the Code.

2. Upon conducting any public hearing on industrial development bonds as herein provided, if application for approval for the project to be financed by the bonds is made to the Commissioner of Energy, Planning and Development and such approval is given by the Commissioner, the Commissioner shall, at the request of the Authority, forward to the Governor the application, together with the Commissioner's approval, for purposes of securing approval of the bonds from the Governor, or any designee of the Governor permitted under Section 103(k) of the Code, so as to provide adequate assurances that the public approval requirements of Section 103(k) of the Code have been duly satisfied and for no other purposes.

## **EXECUTIVE ORDERS**

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Upon receipt of the application and request for approval, the Governor, or his designee, shall consider the matter and in due course approve or disapprove the bond issue. Such approval shall, to the extent permitted under Section 103(k) of the Code, include any additional industrial development bonds that may be required to complete the project under consideration or to refund any revenue bonds issued to finance the project.

3. Any approval given by the Governor, or his designee, in accordance with the provisions of this Agency Agreement shall not be construed as imposing any liability upon the Governor, his designee or the State of Minnesota, whether or not such approval in fact satisfies the public approval requirements of Section 103(k) of the Code.

4. The State or the Authority may, by giving written notice specifying a future effective date, terminate this Agency Agreement.

IN WITNESS WHEREOF, the parties first above mentioned have hereunto set their hands this 15th day of February, 1983.

STATE OF MINNESOTA  
Joseph E. Sizer, Commissioner  
Energy, Planning and Development Department  
PORT AUTHORITY OF THE CITY OF  
SAINT PAUL  
George Winter, President  
William J. Seifert, Assistant Secretary

### **Executive Order No. 83-5**

#### **Providing for the Establishment of the Governor's Council on Rural Development Repealing Executive Order No. 80-9**

I, RUDY PERPICH, Governor of the State of Minnesota, by virtue of the authority vested in me by the Constitution and applicable statutes, hereby issue this Executive Order:

WHEREAS, it is vital for state government to identify important rural issues and to provide the best possible services to the people of the State of Minnesota; and

WHEREAS, to achieve this goal requires a concerted effort to improve the existing delivery systems of state, federal and local levels of government and to provide new services and new directions for addressing rural issues; and

WHEREAS, there exists a great number of agencies and institutions involved in the delivery of services to rural Minnesota; and

WHEREAS, no single state agency presently has the function of coordinating the delivery of services to rural Minnesota for which the state is responsible; and

WHEREAS, a council with regional representation from rural Minnesota and interdepartmental cooperation can improve the coordination, quantity and quality of services delivered.

NOW, THEREFORE, I order:

1. Creation of the Governor's Council on Rural Development, hereinafter referred to as the "Council," to consist of one member from each of the regional development districts in the state.

1.1 The membership of each Regional Development Commission and the Metropolitan Council shall appoint one member to serve on the Council. In those regional development

districts where a Regional Development Commission does not exist, the Governor shall appoint a member from that district.

1.2 The Lieutenant Governor shall serve as Chairperson of the Council. A Council member, selected by the membership of the Council, shall serve as Vice-Chairperson.

1.3 The members, except the Lieutenant Governor, shall be entitled to reimbursement of expenses from the Rural Rehabilitation Trust Fund as permitted by Minnesota Statutes, Section 15.0593.

1.4 The Council members, agency and technical representatives shall meet at the call of the Chairperson and operate pursuant to bylaws adopted by the Council.

2. All state agencies and departments shall cooperate with the Council.

2.1 The following individuals shall each designate a representative to advise the Council: The Commissioner of Commerce; the Assistant Commissioner of Energy; the Assistant Commissioner of Planning; the Director of the Housing Finance Agency; the Commissioner of Agriculture; the Director of the Pollution Control Agency; the Commissioner of Economic Security; the Commissioner of Health; the Commissioner of Transportation; the Commissioner of Public Welfare; the Commissioner of Corrections; the Commissioner of the Department of Natural Resources; and the Commissioner of Education.

The University of Minnesota; the Minnesota State University System; the Private College Council; the U.S. Department of Housing and Urban Development; the Minnesota Soil and Water Conservation Board; and the Council on the Economic Status of Women shall each be asked to appoint a technical representative to the Council.

2.2 State department and agency representatives to the Council shall designate necessary staff to assist the Council in carrying out its work program. Expenses incurred by such staff shall be assumed by the department or agency.

3. All actions of the Council shall be by majority vote and shall be taken after receiving the advice of the agency and technical representatives. Duties of the Council shall include:

3.1 The development of a process for identifying and analyzing important rural issues and problems in Minnesota and a strategy for addressing those issues.

3.2 The study of issues affecting the development of rural communities, and the formulation of recommendations for improving and/or implementing programs.

3.3 Recommendations to the State Executive Council for investment of the Rural Rehabilitation Trust Fund and the use of interest generated from its investment.

Pursuant to Minnesota Statutes 1978, Section 4.035, this Order shall be effective fifteen (15) days after its publication in the *State Register* and filing with the Secretary of State and shall remain in effect until it is rescinded by proper authority or it expires in accordance with Section 4.035, Subdivision 3.

IN TESTIMONY WHEREOF, I have hereunto set my hand on this 14th day of February, 1983.



# PROPOSED RULES

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Pursuant to Minn. Laws of 1980, § 15.0412, subd. 4h, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing, as long as the agency determines that the rules will be noncontroversial in nature. The agency must first publish a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. The notice must advise the public:

1. that they have 30 days in which to submit comment on the proposed rules;
  2. that no public hearing will be held unless seven or more persons make a written request for a hearing within the 30-day comment period;
  3. of the manner in which persons shall request a hearing on the proposed rules;
- and
4. that the rule may be modified if modifications are supported by the data and views submitted.

If, during the 30-day comment period, seven or more persons submit to the agency a written request for a hearing of the proposed rules, the agency must proceed under the provisions of § 15.0412, subds. 4 through 4g, which state that if an agency decides to hold a public hearing, it must publish in the *State Register* a notice of its intent to do so. This notice must appear at least 30 days prior to the date set for the hearing, along with the full text of the proposed rules. (If the agency has followed the provisions of subd. 4h and has already published the proposed rules, a citation to the prior publication may be substituted for republication.)

Pursuant to Minn. Stat. § 15.0412, subd. 5, when a statute, federal law or court order to adopt, suspend or repeal a rule does not allow time for the usual rulemaking process, temporary rules may be proposed. Proposed temporary rules are published in the *State Register*, and for at least 20 days thereafter, interested persons may submit data and views in writing to the proposing agency.

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## Public Employment Relations Board

### Proposed Rules Governing Issues and Appeals, Arbitration of Terms and Conditions of Employment, Arbitration of Grievances, and Independent Review

#### Notice of Intent to Adopt Rules without a Public Hearing

Notice is hereby given that the Public Employment Relations Board proposes to adopt the above-entitled rules without a public hearing. The board has determined that the proposed adoption of these rules will be noncontroversial in nature and has elected to follow the procedures set forth in Minnesota Statutes sections 14.21 to 14.28 (1982).

Persons interested in these rules shall have 30 days to submit comments on the proposed rules. The proposed rules may be modified if the modifications are supported by the data and views submitted to the agency and do not result in a substantial change in the proposed language.

Unless seven or more persons submit written requests for a public hearing on the proposed rules within the 30-day comment period, a public hearing will not be held. In the event a public hearing is required, the agency will proceed according to the provisions of Minnesota Statutes sections 14.13 to 14.18 (1982).

Persons who wish to submit comments or a written request for a public hearing should submit such comments or request to:

Claudia M. Hennen, Executive Director  
Public Employment Relations Board  
205 Aurora Avenue  
St. Paul, Minnesota 55103  
(612) 296-8947

Authority for the adoption of these rules is contained in Minnesota Statutes section 179.72, subdivisions 2 and 4 (1982). Additionally, a statement of need and reasonableness that describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rules has been prepared and is available from Claudia M. Hennen upon request.

Upon adoption of the final rules without a public hearing, the proposed rules, this notice, the statement of need and reasonableness, all written comments received, and the final rules as adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the final rules as proposed for adoption, should submit a written statement of such request to Claudia M. Hennen.

The rules proposed for adoption relate to the following matters: the rules governing issues and appeals, the arbitration of terms and conditions of employment, and the arbitration of grievances have been modified to provide clarification, eliminate repetition, delete duplication of statutory language, and codify existing practices; the rules governing independent review have been modified to provide clarification, codify existing practices, and add provisions relating to the filing of a petition, an answer to a petition, hearing procedures, and the informal disposition of a petition.

Copies of this notice and the proposed rules are available and may be obtained by contacting Claudia M. Hennen.

Claudia M. Hennen  
Executive Director  
Public Employment Relations Board

**Rules as Proposed****8 MCAR § 3.001 Application.**

These rules This chapter shall apply to:

- A. Issues relating to the meaning of the terms supervisory employee, confidential employee, essential employee, or professional employee.
- B. Appeals from determinations of the director relating to the appropriateness of a unit ~~or determination of supervisory employee.~~
- C. Appeals from determinations of the director relating to a fair share fee challenge.

**8 MCAR § 3.003 Definitions.**

- A. Board. "Board" means the Public Employment Relations Board or a panel of the Public Employment Relations Board.
- B. Bureau. "Bureau" means the Bureau of Mediation Services.
- C. Director. "Director" means the Director of the Bureau of Mediation Services.
- D. Party. "Party" means any person, public employee, public employer, exclusive representative of public employees, public employee organization, or public employer organization whose legal rights, duties, or privileges will be directly determined in an appeal.
- E. Appeal. "Appeal" means (1) issues relating to the meaning of the terms supervisory employee, confidential employee, essential employee, or professional employee, (2) appeals from determinations of the director relating to the appropriateness of a unit ~~or determination of supervisory employee,~~ and (3) appeals from determinations of the director relating to a fair share fee challenge.

~~F. Arbitrator. "Arbitrator," when referred to in 8 MCAR §§ 3.030-3.040 means one or a panel of three arbitrators.~~

G. Supervisory employee. "Supervisory employee," as defined in Minn. Stat. § 179.63, subd. 9, means:

~~1. when the reference is to other than essential employees:~~

~~Any person having authority in the interests of the employer to hire, transfer, suspend, promote, discharge, assign, reward or discipline other employees or responsibly to direct them or adjust their grievances on behalf of the employer, or to effectively recommend such action, if in connection with the foregoing the exercise of such authority is not merely routine or clerical in nature but requires the use of independent judgment. Any determination of "supervisory employee" may be appealed to the public employment relations board.~~

~~2. when the reference is to essential employees:~~

~~The administrative head and his assistant of a municipality, municipal utility, police or fire department, or any person having authority in the interests of the employer to hire, transfer, suspend, promote, discharge, assign, reward, or discipline other employees or responsibly to direct them or adjust their grievances on behalf of the employer, if in connection with the foregoing the exercise of such authority is not merely routine or clerical in nature but requires the use of independent judgment. Any determination of "supervisory employee" may be appealed to the public employment relations board.~~

H. Confidential employee. "Confidential employee," as defined in Minn. Stat. § 179.63, subd. 8, means:

~~Any employee who works in the personnel offices of a public employer or who has access to information subject to use by the public employer in meeting and negotiating or who actively participates in the meeting and negotiating on behalf of the public employer.~~

I. Essential employee. "Essential employee," as defined in Minn. Stat. § 179.63, subd. 11, means:

~~Any person within the definition of subdivision 7 whose employment duties involve work or services essential to the health or safety of the public and the withholding of such services would create a clear and present danger to the health or safety of the public.~~

J. Professional employee. "Professional employee," as defined in Minn. Stat. § 179.63, subd. 10, means:

**KEY: PROPOSED RULES SECTION** — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

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~~1.~~ any employee engaged in work (i) predominantly intellectual and varied in character as opposed to routine mental, manual, mechanical, or physical work; (ii) involving the consistent exercise of discretion and judgment in its performance; (iii) of such a character that the output produced or the result accomplished cannot be standardized in relation to a given period of time; (iv) requiring knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction and study in an institution of higher learning or a hospital, as distinguished from a general academic education or from an apprenticeship or from training in the performance of routine mental, manual or physical processes;

~~2.~~ any employee, who (i) has completed the courses of specialized intellectual instruction and study described in clause (iv) of paragraph ~~1.~~, and (ii) is performing related work under the supervision of a professional person to qualify himself to become a professional employee as defined in paragraph ~~1.~~

~~K.~~ F. Presiding officer. "Presiding officer" means the board, one or more of its members, or a hearing examiner appointed by the board ~~who may hear the appeal.~~

~~L.~~ G. Service; serve. "Service" or "serve" means service of a document required by ~~these rules~~ this chapter, by person, or certified United States mail, with return requested, postage prepaid, and addressed to the party at ~~his~~ its last known address, unless some other manner of service is required by law. Certified mail means mail which must be signed for by the addressee upon receipt of said mail. Unless otherwise expressly stated by this chapter, service is effective upon receipt.

~~M.~~ H. Time. In computing any period of time prescribed or allowed by ~~these rules~~ this chapter, the day of act or event from which the designated period of time begins to run shall not be included. The last day of the time period so computed shall be included, unless it is a Saturday, a Sunday, or a legal holiday. For any time period of ~~10~~ ten days or less, Saturdays, Sundays, or legal holidays shall not be included in computing the period of time.

### 8 MCAR § 3.004 Presiding officer.

~~A.~~ Conducting hearings. The Board may hear appeals as a full body or may delegate to one or more of its members the authority to hear an appeal. The Board may also appoint a hearing examiner to hear an appeal.

~~B.~~ Authority of hearing examiner. The appointment of the hearing examiner shall, to the extent permitted by law, grant the hearing examiner such authority as the Board deems necessary and appropriate to hear the appeal. The hearing examiner shall not have authority to make the final decisions on the appeal.

~~C.~~ Function of hearing examiner. The hearing examiner shall hear the appeal consistent with law and the terms of his appointment. His functions shall include, but not be limited to, to hear and rule on preliminary motions, conduct the hearing and prepare findings of fact. The final decision on the appeal shall in all cases be made by the Board.

A. Board or panel. The board, as a full body or as a panel of one or more of its members, may hear and decide an appeal. Whenever feasible, a panel shall consist of an equal number of representatives of public employees and public employers, unless otherwise agreed to by the parties.

B. Hearing examiner. The board may appoint a hearing examiner to hear an appeal. The hearing examiner shall have such authority as the board deems necessary and appropriate to hear the appeal. The hearing examiner shall submit to the board recommended findings. The final decision on the appeal shall in all cases be made by the board.

### 8 MCAR § 3.005 Initiating an appeal.

A. Time limits. Within ten days of the date of a determination by the director, any party, or parties, may initiate an appeal by serving a copy of a notice of appeal upon all other parties with a copy to the director and filing the original with the board ~~within 10 days of a determination by the Director.~~

B. Notice of appeal. A notice of appeal shall ~~contain~~ include:

~~A.~~ 1. the name and address of the ~~applicant~~ appellant;

~~B.~~ A statement of the nature of the decision requested, the reasons therefor and the BMS case number;

~~C.~~ 2. the names and addresses of all parties who were parties to the ~~determination by the Director, and all other parties known to the applicant who will be directly affected by such appeal; and~~

3. a copy of the director's determination from which the appeal is being taken;

4. a statement of which issues the appellant seeks board review, why the issues should be resolved in the appellant's favor, and what remedy is requested;

5. a statement that the appellant understands the director's rules governing the preparation of and payment for the record and transcript on appeal and agrees to abide by those rules; and

~~D.~~ 6. the signature of the ~~applicant~~ appellant or ~~his~~ its representative.

**8 MCAR § 3.006 Answer.**

Within ~~40~~ ten days after service of a notice of appeal, all other parties may submit a ~~concise~~ an answer to the notice of appeal. A copy of such answer shall be served on all parties to the appeal and filed with the board. Failure to submit an answer shall not be deemed as an admission of any statement contained in the ~~issue~~ notice of appeal or a waiver of any rights afforded to the respondent ~~in~~ by any statute or rule.

**8 MCAR § 3.0061 Briefs.**

The board may establish a briefing schedule as it deems appropriate.

**8 MCAR § 3.007 Notice of hearing.**

A. Contents of notice. Within At least 15 days following receipt of a notice of appeal prior to the hearing date, the board shall serve upon all known parties not less than 10 days prior to hearing a notice of hearing stating:

- ~~A.~~ 1. the date, ~~place~~ time, and ~~time~~ place of hearing;
- ~~B.~~ 2. the rights of the parties to representation (see 8 MCAR § 3.009); and
- ~~C.~~ 3. that failure to appear or ~~submit positions~~ may prejudice the party's rights (see 8 MCAR § 3.011).

B. Copy of rules included. A copy of these rules this chapter shall be included with the notice of hearing.

**8 MCAR § 3.008 Continuance of hearing.**

~~No request for continuance of a scheduled hearing will be granted within 7 days of a hearing unless exceptional circumstances are shown. A request for continuance shall be made in writing and must be served upon the other party or parties and filed with the board not less than seven days prior to the hearing unless exceptional circumstances are shown.~~

**8 MCAR § 1.010 Informal and summary disposition.**

A. Informal disposition. Informal disposition may be made of any appeal ~~of~~ or any issue ~~therein~~ by stipulation, settlement, or agreement at any point in the proceedings so long as ~~said~~ the stipulation, settlement, or agreement does not violate any ~~provisions of law and is approved by the board.~~

B. Summary disposition. The board, on its own motion or on motion of any party, may:

- 1. dismiss an appeal; ~~or may~~ if the board lacks jurisdiction;
- 2. summarily affirm the ~~order or decision below~~ if the Board lacks jurisdiction or if it clearly appears that director's determination if the appeal presents no question of substantial merit; or may;
- 3. limit the issues to be considered ~~on appeal~~ to those which present a substantial question- of substantial merit;
- 4. ~~In case of obvious error the Board may~~ summarily reverse or remand for additional proceedings in the case of obvious error; or
- 5. grant other appropriate relief.

**8 MCAR § 3.011 Default.**

The board may ~~dispose of~~ decide an appeal ~~adverse~~ adversely to a party who fails to appear after receiving due notice and an opportunity for hearing.

**8 MCAR § 3.012 Intervention.**

The board may, upon timely application, allow a person ~~or organization~~ to intervene in an appeal ~~upon a showing of substantial interest in the outcome of~~ if the applicant establishes that its legal rights, duties, or privileges will be directly determined in the appeal.

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### 8 MCAR § 3.013 Substitution of party.

Substitution of a party or ~~their~~ its representative may be allowed only if notice of the substitution is served on all other parties, ~~at least 5 days prior to the hearing date,~~ and filed with the board at least five days prior to the hearing date.

### 8 MCAR § 3.014 Consolidation.

A. Basis. The board may, ~~prior to hearing,~~ consolidate cases either on its own motion or ~~upon petition by~~ on motion of any party, if it determines ~~(1)~~ that:

1. separate appeals present substantially the same issues; ~~(2) that;~~
2. a decision in one case would affect the rights of ~~parties~~ a party in another case; and ~~(3) that; and~~
3. consolidation would not substantially prejudice any party.

B. Stipulation. Notwithstanding the requirements of ~~this rule~~ A., the parties may stipulate and agree to consolidation subject to board approval.

~~B. Notice.~~ C. Order. ~~Within 5 days following an order for consolidation~~ The board shall serve on all parties a notice ~~the order~~ of consolidation.

~~C. Objection to~~ D. Severance from consolidation. Within ~~5~~ five days of receipt of ~~notice~~ the order of consolidation ~~any~~, a party may file with the board a petition for severance from consolidation which shall include the ~~BMS case number and~~ reasons ~~for objection~~ why the requirements of A. are not met.

### 8 MCAR § 3.015 Remand.

At any time prior to its decision, the board may remand to the director all or part of the appeal for rehearing ~~or,~~ the taking of specified additional evidence, or other appropriate action.

### 8 MCAR § 3.016 Extension of time.

The parties, with the approval of the ~~Board or its designee~~ presiding officer, may stipulate and agree to extend any time period provided in ~~these rules~~ this chapter.

### 8 MCAR § 3.017 The hearing.

~~A. Review procedure.~~ Appeals shall be determined upon record established by the Director provided that the Board at its discretion may request additional evidence. Oral and written argument may be allowed upon request of a party.

#### A. The board record.

1. Prior to the hearing, the board shall prepare an official record in each appeal which shall contain:

- a. the record of the proceedings before the director;
- b. the determination of the director;
- c. notice of appeal and any supporting documents;
- d. if consolidation has occurred, the order of consolidation and any supporting documents;
- e. notice of hearing and any supporting documents;
- f. any stipulations, settlements, or agreements entered into by any of the parties; and
- g. pleadings, motions, and intermediate rulings of the presiding officer.

2. Additional evidence admitted pursuant to C. shall become part of the board record.

#### B. Hearing procedure.

~~1. The hearing shall include the following:~~

~~a. 1. The presiding officer shall open the hearing and introduce the following exhibits: board record.~~

- ~~(1) Notice of appeal and supporting documents if any;~~
- ~~(2) If consolidation has occurred, notice of consolidation, supporting documents, if any;~~
- ~~(3) Notice of hearing, supporting documents, if any, and affidavits of service;~~
- ~~(4) Any stipulations, settlements or agreements entered into by any of the parties prior to the hearing; and~~

~~(5) The record of the hearing held before the Director.~~

~~b. Oral arguments shall not exceed 30 minutes per party;~~

~~e. Five minutes may be allowed for rebuttal;~~

2. Unless otherwise directed by the presiding officer, the party who initiated the appeal shall begin the argument and shall be followed by the other parties in a sequence determined by the presiding officer.

3. Each party shall be allowed 30 minutes for its oral argument and an additional five minutes for its rebuttal.

~~d. 4. The presiding officer may allow filing of memoranda by the parties.~~

~~2. If additional oral evidence is to be taken, the hearing shall be conducted as follows:~~

~~a. The presiding officer shall open the hearing;~~

~~b. All parties may present evidence in conformance with the Board's request for additional evidence;~~

~~e. All witnesses must be sworn and are subject to cross-examination by all parties;~~

~~d. The rules of evidence as set forth in 8 MCAR § 3.017 E. will be followed;~~

~~e. Written matter may be marked as an exhibit and offered into evidence;~~

~~f. The presiding officer shall introduce the following exhibits:~~

~~(1) Notice of appeal and supporting documents, if any;~~

~~(2) If consolidation has occurred, notice of consolidation, supporting documents, if any;~~

~~(3) Notice of hearing, supporting documents, if any, and affidavits of service;~~

~~(4) Any stipulations, settlements or agreements entered into by any of the parties prior to the hearing;~~

~~(5) The record established by the Director;~~

~~g. Unless otherwise directed by the presiding officer, the party who initiated the appeal shall begin the presentation of evidence and shall be followed by the other parties in a sequence determined by the presiding officer;~~

~~h. Cross-examination shall be conducted in a sequence determined by the presiding officer;~~

~~i. Rebuttal evidence and final argument shall be allowed;~~

~~j. Oral arguments shall not exceed 30 minutes per party;~~

~~k. Five minutes may be allowed for rebuttal;~~

~~l. The presiding officer may allow filing of memoranda by the parties.~~

~~C. The record.~~

~~1. Board prepares record. The Board shall prepare an official record in each appeal.~~

~~2. What the record shall contain. The record in an appeal shall contain:~~

~~a. All pleadings, motions and intermediate rulings;~~

~~b. Evidence received or considered;~~

~~e. A statement of matters noticed;~~

~~d. Proposed findings and exceptions;~~

~~e. Any decision, opinion or report by the presiding officer; and~~

~~f. The record established by the Director.~~

C. Additional evidence.

1. The presiding officer may admit additional evidence on motion of any party if the motion is filed with the presiding officer and served on all other parties within the time limits established by the presiding officer.

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## PROPOSED RULES

2. The presiding officer may admit evidence which possesses probative value commonly accepted by reasonably prudent persons in the conduct of their affairs. The presiding officer shall give effect to any rule or privilege recognized by law.

3. The presiding officer shall direct the sequence of any argument regarding the admissibility of the proposed additional evidence.

4. When oral evidence is heard, witnesses shall testify under oath and shall be subject to cross-examination by all parties. The decision to hear oral evidence does not constitute a waiver of any evidentiary objection available to a party.

5. Upon a showing of good cause the presiding officer may allow the taking of depositions to preserve testimony in the same manner as prescribed by the Minnesota Rules of Civil Procedure.

6. Upon admission, the additional evidence becomes part of the board record.

7. Except as otherwise provided in C., the hearing shall be conducted as provided in B.

3. D. Transcript of board hearing. A verbatim record of the hearing shall be taken by a hearing reporter and/or recording equipment of any hearing conducted pursuant to B. or C.

~~D. Witnesses. When oral evidence is taken, any party may be a witness or may present witnesses on its behalf at the hearing and such testimony shall be under oath.~~

### ~~E. Rules of evidence.~~

~~1. General rules. The presiding officer may admit and consider evidence which possesses probative value commonly accepted by reasonably prudent persons in the conduct of their affairs. The presiding officer shall give effect to the rules or privilege recognized by law. Evidence which is incompetent, irrelevant, immaterial or repetitious shall be excluded.~~

~~2. Record of Bureau. The official record of the proceeding conducted by the Bureau shall be competent evidence.~~

~~3. Evidence must be offered to be considered. All evidence to be considered in the case, including all records and documents in the possession of the Board, shall be offered and made part of the record in the case. No other evidence or factual information, except as provided in 5. below, shall be considered in the determination of the case.~~

~~4. Documentary evidence. Documentary evidence in the form of copies or excerpts may be received or incorporated by reference in the discretion of the presiding officer or upon agreement of the parties.~~

~~5. Notice of facts. The presiding officer may take notice of general, technical or scientific facts within his specific knowledge. The presiding officer shall notify the parties of any facts that are to be so noticed.~~

~~6. Depositions. Upon a showing of good cause the presiding officer may allow the taking of depositions to preserve testimony in the same manner as prescribed by the Minnesota Rules of Civil Procedure.~~

### ~~F. E. Decorum.~~

~~1. The presiding officer may prohibit the operation of a television, newsreel, motion picture, still, or other camera and mechanical recording devices in the hearing room while the hearing is in progress, if such operation has shall be determined to have a significantly adverse affect on the hearing.~~

~~2. No person shall interfere with the free, proper, and lawful access to or egress from the hearing room. No person shall interfere with the conduct of, disrupt or threaten interference with the hearing.~~

### 8 MCAR § 3.018 The Board decision decisions and orders.

~~A. Basis for determination. No factual information or evidence which is not part of the record shall be considered by the Board in the determination of an appeal.~~

### ~~B. Decisions and orders.~~

~~1. Formal decision or order with reasons required. All decisions or and orders rendered issued by the board in an appeal shall be in writing and shall be accompanied by a statement of the reasons therefor.~~

~~2. Service and contents. All decisions or and orders shall be served on all parties to the appeal and a copy filed with the Bureau director. It shall contain:~~

~~a. A statement of the decision or order in the case;~~

~~b. A statement of the reasons therefor;~~

~~c. An affidavit of service.~~

~~C. Default. When a party with adequate notice fails to plead or otherwise appear within the time allowed by these rules or by statute, decision by default may be entered against him.~~

**8 MCAR § 3.019 Rehearing.**

A. Board right to rehear. The board ~~may, upon request,~~ on its own motion or on petition of any party and for good cause shown ~~or on its own motion,~~ may reopen, rehear, and redetermine an appeal. The petition for rehearing must be served on all parties and filed with the board within 30 ten days of the determination of the initial hearing appeal.

B. ~~Obtaining a~~ Petition for rehearing.

~~1. A party to such appeal may request a rehearing by filing a petition. Such~~ A petition for rehearing shall contain:

~~a. 1. the name and address of the petitioner;~~

~~b. 2. the board designation for of the case;~~

~~e. 3. The reasons in support of the petition for rehearing; a statement as to which issues rehearing is sought; and~~

4. the reasons why the issues should be reheard.

C. Consideration. The board may consider evidence and argument in written or oral form with respect to granting or denying the petition.

~~2. D. Determination. The Board shall grant or deny a petition for rehearing as a part of the record in the case. Such~~ A petition shall for rehearing may be granted only if the petition or the board record reveals:

1. irregularities in the board proceedings;

2. errors of law occurring during the board proceedings;

3. newly discovered material evidence;

4. a change in existing law material to the appeal; or

5. good cause for failure to appear or plead.

~~Evidence and argument may be presented at the discretion of the Board in written or oral form or both by any party to the appeal with respect to the petition.~~

~~E. Notice of rehearing.~~ A notice of rehearing will shall be provided in the same manner prescribed for a notice of hearing by 8 MCAR § 3.007.

~~F. Rehearing procedure.~~ A rehearing of an appeal will shall be conducted in the same manner prescribed for a hearing by 8 MCAR § 3.017.

~~G. Decision after rehearing.~~ The decision after rehearing shall be made issued in the same manner prescribed for the decision after a hearing by 8 MCAR §§ 3.010, 3.011, and 3.018.

**8 MCAR § 3.030 Application.**

~~These rules~~ This chapter shall apply to the procedures governing the creation of an arbitration panel to hear and decide arbitration of disputes concerning the terms and conditions of employment.

**8 MCAR § 3.032 Definitions.**

A. Arbitrator. "Arbitrator" means one or a panel of three arbitrators.

B. Party. "Party" means any exclusive representative and any employer or employer organization engaged in the arbitration of terms and conditions of employment.

C. Except as otherwise provided herein, the words, terms, and phrases in these rules this chapter shall have the same meaning and definition as defined in 8 MCAR § 3.003.

**KEY: PROPOSED RULES SECTION** — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

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### 8 MCAR § 3.034 Certification of impasse.

A. Contents. A certification by the director pursuant to Minnesota Statutes, section 179.69, ~~subds. 3 or 5,~~ shall contain the following:

- ~~A. 1. the petition or petitions requesting arbitration;~~
- ~~B. 2. a concise written statement by the director indicating that an impasse has been reached and that further mediation efforts would serve no purpose. the requirements of Minnesota Statutes, section 179.69 have been met;~~
- ~~C. 3. a determination by the director of the matters not agreed upon based upon his efforts to mediate the in dispute; and~~
- ~~D. 4. the final positions submitted by the parties.~~
- ~~E. Those agreed upon items to be excluded from arbitration.~~

~~B. Filing.~~ The Director shall file the certification with the Board and notify the parties by certified mail of the said certification. The certification shall be filed with the board and served upon the parties by the director.

### 8 MCAR § 3.035 Selection of an arbitrator.

~~A. The Board shall maintain a master list of available arbitrators. This list shall be made up of qualified persons who have submitted an application in writing to the Board and have been approved. These applications shall be submitted to each member of the Board prior to any action being taken by the Board for approval of the applicant. A majority vote of the Board shall be required for placement or removal from the list.~~

~~B. The Chairman of the Board or his designee shall select seven names for consideration as the arbitrator, but the final selection of a seven member list shall be made by at least an affirmative vote of three members of the Board which shall include the public member. In selecting the seven names, the Board shall endeavor whenever possible to include names of persons from the general geographic area in which the public employer is located. After the seven arbitrators have been selected, the Board shall submit the said names to the parties. Within five days thereafter, the parties shall, under the direction of the Chairman of the Board or his designee, who need not be physically present, alternately strike names from the list. If either party requests a single arbitrator, the parties shall alternately strike names from the list until only one name remains. If neither party requests a single arbitrator, the parties shall alternately strike names from the list until three names remain, which three persons shall constitute the panel. If the parties are unable to agree on who shall strike the first name, the question shall be decided by the flip of a coin. Notice of the selection of the arbitrator shall be immediately transmitted to the Board by the parties. The notice shall contain the name or names of the arbitrator selected and the name of the arbitrator selected by the parties as the convener of the panel. If the parties fail to agree upon a convener, the parties shall each strike, in the continued order of striking, one name from the arbitration panel. The remaining arbitrator shall act as the convener for the arbitration panel for the purpose of commencing the proceeding.~~

When the director has certified an impasse to the board pursuant to Minnesota Statutes, section 179.69, the board shall submit to the parties a list of seven names for the selection of an arbitrator. If a party desires a single arbitrator, it shall notify the board in writing within five days after receipt of the list of arbitrators and before striking of names commences. In selecting the single arbitrator or a three-member panel, the parties shall alternately strike names from the list until the appropriate number of names remains. If the parties are unable to agree on who shall strike the first name, the question shall be decided by the flip of a coin. In the case of a three-member panel, the parties shall designate a convener. If the parties fail to agree upon a convener, each party shall strike, in the continued order of striking, one name from the panel. The remaining arbitrator shall act as the convener for the purpose of commencing the proceedings. After selection, the parties shall immediately notify the board in writing of the name of the single arbitrator or the names of the panel and convener.

### 8 MCAR § 3.036 Submission to arbitrator.

~~After the arbitrator has been selected, The board shall submit to the arbitrator the certification of impasse by of the director. The arbitrator shall then proceed to hold hearings and make deliberations necessary to render an award.~~

### 8 MCAR § 3.037 Panel ~~chairman chair.~~

~~In the event of a 3 member arbitration panel, The three-member panel shall, at its initial session, select one member as Chairman chair to serve throughout. In the event the members If the panel cannot agree, the Chairman shall be selected by the same procedure as set forth in 8 MCAR § 3.035, subd. B- above the convener shall serve as chair.~~

### 8 MCAR § 3.038 Arbitration procedures.

~~A. Attendance and testimony of witnesses. The arbitrator may issue subpoenas requiring the attendance and testimony of~~

witnesses and the production of evidence which relates to any matter involved in any dispute before it. Forms for subpoenas may be obtained from the Bureau of Mediation Services. The arbitrator may administer oaths and affidavits, and may examine witnesses. Attendance of witnesses and the production of evidence may be required from any place in the state at any designated place of hearing; provided, however, the arbitration meeting shall be held in the county in which the principal administrative offices of the employer are located, unless another location is selected by agreement of the parties.

B. Guidelines in rendering an award. In considering a dispute and issuing its award the arbitrator shall give due consideration to the statutory rights and obligations of public employers to efficiently manage and conduct its operations within the legal limitations surrounding the financing of such operations. The arbitrator's awards shall be issued by a majority vote of its members considering a given dispute. The arbitrator shall have no jurisdiction over nor authority to entertain any matter or issue not within the definition stated in section 179.63, subd. 18; provided, however, items not within terms and conditions of employment may be included in an arbitration award if such items are contained in the employer's final position. Any award or part thereof issued by the arbitrator determining any matter not included under section 179.63, subd. 18 or the employer's final position shall be void and of no effect.

C. Uniform arbitration act. The arbitrator may avail himself of the procedures provided for in the Uniform Arbitration Act (Minnesota Statutes, 572.08-30) as long as the procedures stated therein do no conflict with any provisions of the Public Employment Labor Relations Act.

The arbitration proceedings shall be conducted and the award shall be rendered pursuant to Minnesota Statutes, section 179.72. The procedures and authority of the Uniform Arbitration Act in Minnesota Statutes, sections 572.08 to 572.30 shall apply to the arbitration proceedings except as they are inconsistent with the Public Employment Labor Relations Act.

#### 8 MCAR § 3.040 Payment of arbitrator ~~or panel~~.

All expenses and costs of the arbitrator ~~or panel~~ shall be shared and assessed equally to the parties to the dispute. The term "consideration of a dispute," as used in Minnesota Statutes, section 179.72, subdivision 6, includes, but is not limited to, time incurred in preparation, conduct of hearings, deliberations, and preparation of the decision.

#### 8 MCAR § 3.041 Professional responsibility.

In arbitrating disputes concerning terms and conditions of employment pursuant to Minnesota Statutes, section 179.72, arbitrators shall conform to the standards and procedures set forth in the Code of Professional Responsibility for Arbitrators of Labor-Management Disputes as approved by the National Academy of Arbitrators, American Arbitration Association, and Federal Mediation and Conciliation Service on April 28, 1975, incorporated herein by reference, to the extent not inconsistent with the provisions of the Public Employment Labor Relations Act, 8 MCAR §§ 3.030-~~3.040~~ 3.049, or other applicable law or rule, provided that:

A. Part 5(B)(1)(c), paragraph 112, of the Code of Professional Responsibility ~~should~~ shall not be construed as limiting the right of the parties to order a copy of the hearing transcript; and

B. Part 6(A)(1)(b), paragraph 124, of the Code of Professional Responsibility ~~should~~ shall not be construed as limiting the right of the parties to submit written briefs to the arbitrator.

#### 8 MCAR § 3.050 Application.

~~8 MCAR §§ 3.050-3.054~~ This chapter shall apply only when the parties are unable to agree upon an arbitrator as provided by contract grievance procedures or the procedures established by the Director to the arbitration of grievances pursuant to Minnesota Statutes, section 179.70, subdivision 4.

#### 8 MCAR § 3.052 Definitions.

A. Arbitrator. "Arbitrator" means a single arbitrator.

B. Party. "Party" means any person authorized by contract or law to select the arbitrator of a grievance.

C. Except as otherwise provided in this chapter, the words, terms, and phrases in these rules this chapter shall have the same meaning and definition as defined in 8 MCAR § 3.003.

**KEY: PROPOSED RULES SECTION** — Underlining indicates additions to existing rule language. Strike outs indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. Strike outs indicate deletions from proposed rule language.

## PROPOSED RULES

### 8 MCAR § 3.053 Petition.

In the event the parties are unable to agree upon an arbitrator or arbitrators as provided by contract grievance procedures or the procedures established by the Director, the parties A. Authority to petition. A party may petition; the board in writing; the Board for a list of five arbitrators. The petitioner shall provide all parties a copy of the petition at the time of filing with the board.

B. Contents of petition. The petition shall contain include:

- A. 1. the name and address of the petitioner;
- B. 2. the names and addresses of the adverse parties; and
- C. 3. a concise statement of the nature of the grievance; the provisions of the contract applicable to the grievance and the relief requested; and
- 4. a copy of the provisions of the contract applicable to the grievance.

### 8 MCAR § 3.054 Selection of the arbitrator.

A. The Board shall maintain a master list of available arbitrators. The list shall be made up of qualified persons who have submitted an application in writing to the Board and have been approved. These applications shall be submitted to every member of the Board prior to any action being taken by the Board for approval of the applicant. A majority vote of the Board shall be required for placement or removal from the list.

B. The Chairman of the Board, or his designee, shall select five names for consideration as the arbitrator, but final selection of the five member list shall be made by at least an affirmative vote of three members of the Board which shall include the public member, a public employee member and a public employer member. In selecting the five names, the Board shall endeavor whenever possible to include names of persons from the general geographic area in which the public employer is located.

C. Once the five arbitrators have been selected, the Board shall notify the parties of the names of the five arbitrators. Within 5 days the parties shall, under the direction of the Chairman or his designee, who need not be physically present,

Upon receipt of a petition, the board shall submit to the parties a list of five names for the selection of an arbitrator. Within five days after receipt of the list of arbitrators, the parties shall alternately strike names from the list of five arbitrators. Until only one name remains. If the parties are unable to agree on who shall strike the first name, the question shall be decided by the flip of a coin.

D. Notice of the selection of the arbitrator shall be immediately transmitted to the Board by the parties. The notice shall contain the name of the arbitrator selected and the date for commencement of arbitration proceedings.

E. Upon rendering any award, the arbitrator shall transmit both to the Board and to the Director a copy of his award and any written explanation thereof. Should any issues submitted to arbitration be settled voluntarily before the arbitrator issues his award, notice of such settlement shall be made by the arbitrator in a report issued both to the Board and to the Director. After selection, the parties shall immediately notify the board in writing of the name of the arbitrator.

### 8 MCAR § 3.0541 Uniform Arbitration Act.

The procedures and authority of the Uniform Arbitration Act in Minnesota Statutes, sections 572.08 to 572.30 shall apply to the arbitration proceedings except as they are inconsistent with the Public Employment Labor Relations Act.

### 8 MCAR § 3.055 Professional responsibility.

In arbitrating grievances pursuant to Minnesota Statutes, section 179.70 arbitrators shall conform to the standards and procedures set forth in the Code of Professional Responsibility for Arbitrators of Labor-Management Disputes as approved by the National Academy of Arbitrators, American Arbitration Association, and Federal Mediation and Conciliation Service on April 28, 1975, incorporated herein by reference, to the extent not inconsistent with the provisions of the Public Employment Labor Relations Act, 8 MCAR §§ 3.050-3.054 3.059, or other applicable law or rule, provided that:

A. Part 5(B)(1)(c), paragraph 112, of the Code of Professional Responsibility ~~should~~ shall not be construed as limiting the right of the parties to order a copy of the hearing transcript; and

B. Part 6(A)(1)(b), paragraph 124, of the Code of Professional Responsibility ~~should~~ shall not be construed as limiting the right of the parties to submit written briefs to the arbitrator.

### 8 MCAR § 3.060 Application.

The rules and regulations governing independent review and the establishment of a Public Employment Relations Panel

## PROPOSED RULES

shall apply only when no other procedure exists for the independent review for a public employee of a grievance or grievances arising out of the interpretation of or adherence to terms and conditions of employment. This chapter shall apply to independent review pursuant to Minnesota Statutes, section 179.76.

### 8 MCAR § 3.062 Definitions.

A. Party. "Party" means any person, public employee, public employer, exclusive representative of public employees, public employee organization, or public employer organization whose legal rights, duties, or privileges will be directly determined in an independent review.

B. Except as otherwise provided in this chapter, the words, terms, and phrases in these rules this chapter shall have the same meaning and definition as defined in 8 MCAR § 3.003.

### 8 MCAR § 3.063 Petition.

Any public A. Authority to petition. An employee may petition the Public Employment Relations Panel board in writing for independent review of a grievance arising out of the interpretation of or adherence to terms and conditions of employment when no other such procedure exists to hear that grievance. The petitioner shall provide all parties a copy of the petition at the time of filing with the board.

B. Petition contents. The petition shall contain:

A- 1. the name, address, and telephone number of the petitioner;

B- 2. the name, address, and telephone number of the public employer other parties;

C- A certification that independent review of the grievance is not available under any other procedure; and

D- A concise written statement of the grievance or grievances arising out of the interpretation of or adherence to terms and conditions of employment and the relief requested.

3. a concise statement specifying:

a. the terms and conditions of employment claimed to be violated;

b. whether the terms and conditions of employment claimed to be violated are established by law, rule, contract, or practice;

c. the law, rule, contract provision, or practice claimed to be violated;

d. the conduct which is claimed to violate the law, rule, contract, or practice;

e. the relief requested; and

f. why independent review of the grievance is not available under any other procedure.

### 8 MCAR § 3.0641 Answer.

Within ten days after receipt of a petition, all other parties shall file with the board and provide to the other parties an answer to the petition. The answer shall contain a concise statement specifying whether:

1. the terms and conditions of employment claimed to be violated are established by law, rule, contract, or practice;

2. the law, rule, contract provision, or practice has been violated by the respondent;

3. if a violation is found, the relief requested is appropriate; and

4. independent review of the grievance is not available under any other procedure.

### 8 MCAR § 3.0651 Jurisdiction.

The board, on its own motion or on motion of any party, may dismiss a petition if the board lacks jurisdiction. The board may conduct a hearing on the question of jurisdiction.

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## **PROPOSED RULES**

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### **8 MCAR § 3.0661 Presiding officers.**

A. Board or panel. The board, as a full body or as a panel of one or more of its members, may hear and decide an independent review. Whenever possible, a panel shall consist of an equal number of representatives of public employees and public employers, unless otherwise agreed to by the parties.

B. Hearing examiner. The board may appoint a hearing examiner to hear the grievance. The hearing examiner shall have such authority as the board deems necessary and appropriate to hear the grievance. The hearing examiner shall submit to the board recommended findings. The final decision on the grievance shall in all cases be made by the board.

**8 MCAR § 3.067 Briefs.** The board may establish a briefing schedule as it deems appropriate.

### **8 MCAR § 3.068 Notice of hearing.**

At least 15 days prior to the hearing date, the board shall serve upon all parties a notice of hearing providing:

1. the date, time, and place of hearing;
2. a statement of the grievance to be determined;
3. the rights of the parties to representation; and
4. that failure to appear may prejudice the party's rights.

A copy of this chapter shall be included with the notice of hearing.

### **8 MCAR § 3.069 Continuance of hearing.**

A request for continuance must be served upon the parties and filed with the board within seven days of the hearing unless exceptional circumstances are show.

### **8 MCAR § 3.070 Right to representation.**

Any party may be represented by a designated agent in an independent review proceeding before the board.

### **8 MCAR § 3.071 Informal disposition.**

Informal disposition may be made of any grievance or any issue by stipulation, settlement, or agreement at any point in the proceedings so long as the stipulation, settlement, or agreement does not violate any law and is approved by the board.

### **8 MCAR § 3.072 Default.**

The board may decide a grievance adversely to a party who fails to appear after receiving due notice and an opportunity for hearing.

### **8 MCAR § 3.073 Intervention.**

The board may, upon timely application, allow a person to intervene in an independent review proceeding if the applicant establishes that its legal rights, duties, or privileges will be directly determined in the matter.

### **8 MCAR § 3.074 Substitution of party.**

Substitution of a party or its representative may be allowed only if notice of the substitution is served on all other parties and filed with the board at least five days prior to the hearing date.

### **8 MCAR § 3.075 Consolidation.**

A. Basis. The board may consolidate cases either on its own motion or on motion of any party if it determines that:

1. separate grievances present substantially the same issues;
2. a decision in one case would affect the rights of a party in another case; and
3. consolidation would not substantially prejudice any party.

B. Stipulation. Notwithstanding the requirements of A., the parties may stipulate and agree to consolidation subject to board approval.

C. Order. The board shall serve on all parties the order of consolidation.

D. Severance from consolidation. Within five days of receipt of the order of consolidation, a party may file with the board a petition for severance from consolidation which shall include the reasons why the requirements of A., are not met.

**8 MCAR § 3.076 Extension of time.**

The parties, with the approval of the presiding officer, may stipulate and agree to extend any time period provided in this chapter.

**8 MCAR § 3.077 The hearing.**

A. The hearing shall be conducted as follows:

1. It shall be the duty of the presiding officer to inquire fully into the facts in dispute, to call, examine, and cross-examine witnesses and to require the production of documentary or other evidence as the presiding officer may deem necessary to be fully acquainted with all facts relating to the case.

2. Any objection with respect to the conduct of the hearing, including any objection to the introduction of evidence, shall be stated orally, together with a statement of the grounds of the objection and included in the record of the hearing. No objection shall be deemed waived by further participation in the hearing.

3. The presiding officer may admit evidence which possesses probative value commonly accepted by reasonably prudent persons in the conduct of their affairs. The presiding officer shall give effect to any rule or privilege recognized by law.

4. Witnesses shall testify under oath and shall be subject to cross-examination by all parties.

5. Upon a showing of good cause the presiding officer may allow the taking of depositions to preserve testimony in the same manner as prescribed by the Minnesota Rules of Civil Procedure.

B. Transcript of board hearing. A verbatim record shall be taken by a hearing reporter or recording equipment of any hearing conducted pursuant to A.

C. Decorum.

1. The presiding officer may prohibit the operation of a television, newsreel, motion picture, still, or other camera and mechanical recording devices in the hearing room while the hearing is in progress if such operation shall be determined to have a significantly adverse effect on the hearing.

2. No person shall interfere with the free, proper, and lawful access to or egress from the hearing room. No person shall interfere or threaten interference with the hearing.

**8 MCAR § ~~3.066~~ 3.078 Board ~~or panel~~ decisions and orders.**

Every All decision decisions and orders rendered issued by the board or Panel shall be in writing and shall be accompanied by a statement of the reasons therefor. Every All decision decisions and orders shall be binding on both all parties and served on all parties to the case. It shall contain:

A. A statement of the decision or order in the case;

B. A statement of the reasons therefor; and

C. An affidavit of service.

A majority vote of the Board or Panel shall constitute a decision of the Board or Panel.

Repealer. 8 MCAR §§ 3.033; 3.039; 3.064; and 3.065 are repealed.

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# ADOPTED RULES

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The adoption of a rule becomes effective after the requirements of Minn. Stat. § 15.0412, subd. 4, have been met and five working days after the rule is published in the *State Register*, unless a later date is required by statutes or specified in the rule.

If an adopted rule is identical to its proposed form as previously published, a notice of adoption and a citation to its previous *State Register* publication will be printed.

If an adopted rule differs from its proposed form, language which has been deleted will be printed with strike outs and new language will be underlined, and the rule's previous *State Register* publication will be cited.

A temporary rule becomes effective upon the approval of the Attorney General as specified in Minn. Stat. § 15.0412, subd. 5. Notice of his decision will be published as soon as practicable, and the adopted temporary rule will be published in the manner provided for adopted rules under subd. 4.

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## State Board of Education Department of Education Instruction Division

### Adopted Rules Governing the Preschool Screening Program (5 MCAR §§ 1.0720-1.0724)

The rules proposed and published at *State Register*, Volume 7, Number 7, pages 196-202, August 16, 1982 (7 S.R. 196) are adopted with the following modifications:

#### 5 MCAR § 1.0720 Definitions.

H. Referral. "Referral" means an organized system for providing information to the parent at the summary interview about the names of agencies or providers to possibly be used ~~in~~ for evaluation, or diagnosis, and treatment of problems identified through screening procedures.

#### 5 MCAR § 1.0721 Participation in program and delivery of services.

C. Methods of providing screening. A screening program shall be provided by all school boards, with the consultation of local societies of health providers. If possible school boards, individually or in cooperation with other schools or agencies, shall contract with or purchase services from approved early and periodic screening programs. If this is not possible or all services are not available, school boards may contract with other health care providers to operate screening programs. Volunteer screening programs shall also be integrated and utilized where available. An agreement to provide a component of the screening program must be in writing, describe the responsibilities, and state the date and location of the component to be provided.

E. Exclusion from providing screening. If an individual or group is excluded from performing a screening component it may submit a complaint to the school board. The school board must take action it determines is advisable.

#### 5 MCAR § 1.0722 School district plan and program report.

B. Content of plan. The plan must be on forms supplied by the commissioner of education and contain substantially the following:

4. the assurance of the clerk of the school board and the superintendent or other authorized agent of the district that the district is in compliance with state laws and rules requiring that:

- a. the public will be informed and actively encouraged to participate in the preschool screening program;
- b. local societies of health care providers will be consulted about the preschool screening program;
- b.-h. [Reletter as c.-i.]

#### 5 MCAR § 1.0723 Screening program staff.

D. Professional health screener qualifications. A person who performs professional health screening must be a licensed medical physician ~~or a~~ dentist, registered nurse, chiropractor, optometrist, podiatrist, or psychologist. A professional health screener who is not a licensed physician, or a registered nurse must:

~~1-~~ have successfully completed Department of Health training seminars or equivalent training programs to prepare individuals to perform child screening as. The seminars or programs must be designated by the Department of Health in consultation with the Department of Education; and

~~2-~~ have annually participated in at least five contact hours of continuing education in pediatric or health assessment. The hours must be offered through the Department of Health or meet the continuing education requirements of the Board of Nursing.

E. Developmental screener qualifications. A person who performs developmental screening without supervision must be licensed as a special education teacher, school psychologist, kindergarten teacher, prekindergarten teacher, ~~or~~ registered nurse, or licensed physician and must have completed:

~~1.~~ training seminars provided by the Department of Education; or

~~2.~~ equivalent training as determined by the Department of Education in consultation with the Department of Health. Other persons who perform developmental screening must meet supervision requirements in H.

H. Clinic assistant qualifications. ~~A person who is a clinic assistant may perform vision, hearing, and developmental screening and measure height, weight, and blood pressure.~~ A clinic assistant is a lay person or a paraprofessional who may perform any component of the screening program. The clinic assistant must be under the supervision of a professional qualified for the screening component for which the clinic assistant is used. The professional must be present at the screening site. A clinic assistant must have been trained by:

J. Equivalent training programs. The Department of Health, in consultation with the Department of Education, shall approve a program as providing equivalent training for the purpose of D., F., G., and H. if the program meets all of the following:

1. it provides information and training required to perform the specific screening and referral activities specified in D., F., G., H., or I.;

2. it must offer the same or greater number of course contact hours as the Department of Health training seminars;

3. the instructor qualifications must be at least equivalent to the instructor qualifications of Department of Health training seminar instructors; and

4. the course materials must be consistent with materials used in Department of Health training seminars.

J. [Reletter as K.]

#### 5 MCAR § 1.0724 Screening procedures.

A. Required components. Screening procedures shall include the components in 1. to 6., unless an exception has been granted according to 5 MCAR § 1.0722 D.

3. A hearing screener must screen for deviations from the normal range of auditory acuity using the Puretone Audiometer or the Verbal Auditory Screening of Children (VASC) or equivalent procedures as determined by the Department of Health in consultation with the Department of Education.

6. After all screening is completed, a professional health screener must conduct a summary interview with the parent ~~or~~ to discuss the health and developmental findings to explain the results and make referral recommendations.

C. Duplication of services. No screening program shall provide a laboratory test, health history, or physical assessment to any child who has had the laboratory test, health history, physical assessment, or physical examination as part of a well-child evaluation within the previous 12 months. The school district shall request the results of any laboratory test, health history, or physical examination conducted within 12 months preceding a scheduled preschool screening program, for inclusion in the school records in lieu of comparable information collected in the screening program. Procedures shall be developed for exchange of information in accordance with D.

E. Referrals. ~~If a condition appears to be in need of diagnosis or further attention, the parent must be informed of appropriate agencies or providers capable of performing needed services, such as the family physician, licensed school nurse, or special education programs.~~ The Department of Education in consultation with the Department of Health shall develop guidelines for referral criteria for each screening component.

G. Inclusion in school records. Data on individual children obtained in the screening program shall be incorporated into school district records, except as indicated in D. Screening data that are not substantiated may not be incorporated in the child's school record as confirmed health or developmental problems.

K. Fees. Districts may charge parents a fee for any of the optional screening components. Parents may refuse the optional components and receive the required components free of charge.

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## ADOPTED RULES

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### Waste Management Board

#### Adopted Rules Governing the Solid Waste Processing Facilities Demonstration Program

The rules proposed and published at *State Register*, Volume 7, Number 21, pages 791-799, November 22, 1982 (7 S.R. 791) are adopted with the following modifications:

##### Rules as Adopted

###### 6 MCAR § 8.401 Definitions.

X. Waste processing facility. "Waste processing facility" means structures and equipment singly or in combination, designed, constructed, and used to separate, modify, convert, heat, prepare, or otherwise process solid waste so that materials ~~or~~, substances, or energy contained within the waste may be recovered for subsequent use.

###### 6 MCAR § 8.406 Grant and loan application procedures.

B. Application segment. The application segment of each funding round consists of the first three months of each funding round and commences each January 1 and July 1 and terminate each March 31 and September 30, respectively, of years 1983 and 1984. During the application segment, the applicant shall prepare or accumulate all of the information and documentation set out in 6 MCAR §§ 8.404 and 8.405. The applicant is encouraged to contact the chairperson and request a preapplication review of the proposed project. The applicant then must submit the grant or loan application to the board no later than March 31 or September 30, whichever date is appropriate for consideration during that funding round. If the grant or loan application is ~~postmarked~~ received later than March 31 or September 30, whichever date is appropriate to the specific funding round, the applications shall be returned.

###### 6 MCAR § 8.408 Project type evaluation.

B. General factors. In evaluating all five types of projects the board shall, to the extent the factor is relevant to the project, consider:

2. market viability determined by the distance the market is from the facility, the existence of expressions of interest, or contracts or long term contracts; and, the length of time the market has been in existence, and the likelihood the market will remain in existence;

###### 6 MCAR § 8.411 Grant and loan agreement.

B. ~~Cancellation~~ Rescission of grants and loans. Grants and loans not completed in accordance with the terms and conditions of the respective agreements, including time schedules, shall be ~~annulled~~ rescinded unless the board determines that the variances from the respective agreements are due to factors outside the control of the grant or loan recipient.

D. Interest payments. Interest payments on the loan shall be due annually and shall begin to accrue from the date the loan agreement is signed. The first repayment of the principal amount of the loan shall be due one year after the facility becomes operational or two years after the date the loan agreement is executed, whichever is earlier. The board shall consider the facility operational at the point where the facility meets all vendor guaranteed operating specifications. Subsequent repayments of principal and interest shall be due annually on the anniversary date of the first repayment.

E. Due and payable clause. The loan agreement shall stipulate that if the recipient ~~desires to sell~~ sells the facility to a private enterprise, all outstanding loan obligations to the board shall become due and payable upon the sale to the private enterprise.

## SUPREME COURT

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### Decisions Filed Friday, February 25, 1983

#### Compiled by Wayne Tschimperle, Clerk

C3-82-806 American Family Mutual Insurance Company v. Tamala Jo Ryan, *et al.*, Appellants. Stearns County.

*Anderson v. Stream*, 295 N.W.2d 595 (Minn. 1980), the case which abolished parental immunity, is limited to prospective application, and is therefore inapplicable in the case at bar.

The household exclusion clause at issue in the subject homeowner's insurance policy is valid.

Affirmed. Amdahl, C. J.

**C2-82-1297 State of Minnesota v. DuWayne C. Johnson, Appellant. Clay County.**

In computing a criminal offender's criminal history score under the Minnesota Sentencing Guidelines, the offender is assigned one point for each felony conviction for which a sentence was stayed or imposed before the current sentencing.

Affirmed. Amdahl, C. J.

**C0-82-309 Robert N. Spadaro v. The Catholic Cemeteries, et al., and Vincent T. Cavanaugh, petitioner and intervenor, Appellant. Hennepin County.**

A surviving spouse must show reasonable cause to disinter a spouse's body, sufficient to overcome the "presumption against removal."

A determination of "reasonable cause" to disinter a body is left to the trial court, which takes into account a variety of factors.

Factors to be considered in deciding "reasonable cause" to disinter a body are: degree of relationship that the party seeking reinterment bears to the decedent; degree of relationship that the party seeking to prevent reinterment bears to the decedent; expressed wishes of the decedent; conduct of the person seeking reinterment; especially as it may relate to the circumstances of the original interment; conduct of the person seeking to prevent reinterment; length of time that has elapsed since the original interment; strength of the reasons offered both in favor of and in opposition to reinterment; the integrity and capacity of the person seeking reinterment to provide a secure and comparable resting place for the decedent.

If trial court decided that disinterment is appropriate, court must then determine whether surviving spouse has waived his right to require disinterment.

Reversed and remanded. Todd, J.

**C1-82-240 State of Minnesota v. Daniel J. Malaski, Appellant. Clay County.**

Supreme court can reverse on the basis of trial error notwithstanding failure by defense counsel to object to the error if error was plain error or error of fundamental law.

Reversed and remanded for a new trial. Kelley, J.

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## STATE CONTRACTS

Pursuant to the provisions of Minn. Stat. § 16.098, subd. 3, an agency must make reasonable effort to publicize the availability of any consultant services contract or professional and technical services contract which has an estimated cost of over \$2,000.

Department of Administration procedures require that notice of any consultant services contract or professional and technical services contract which has an estimated cost of over \$10,000 be printed in the *State Register*. These procedures also require that the following information be included in the notice: name of contact person, agency name and address, description of project and tasks, cost estimate, and final submission date of completed contract proposal.

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### Department of Education Executive Division

#### Applicants Sought for Minnesota Commissioner of Education

The Minnesota Board of Education/Board for Vocational Education is seeking applicants for the Minnesota Commissioner of Education. The appointment will be made by 6/1/83 with the appointment to be effective 7/1/83. Minimum qualifications include:

experience in working with governmental agencies, educational organizations and legislative bodies to promote legislation and secure funds;

at least three years experience in educational administration, including responsibility for budgeting;

experience in planning, designing, organizing, implementing and managing educational programs, including those with multiple sources of funding;

an earned master's degree.

## STATE CONTRACTS

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Applications and job description can be obtained from:

Minnesota Department of Education  
Office of Employee Relations  
754 Capitol Square Bldg.  
St. Paul, MN 55101  
(612) 296-3377

Applications must be postmarked no later than April 6, 1983.

### **Department of Transportation Employee Development Section**

#### **Notice of Request for Proposals for Expansion of Management Career Development and Assessment Program**

The Minnesota Department of Transportation is seeking proposals from qualified consultants to expand an existing management career development and assessment program. The program should result in workshops which will determine developmental needs of Highway superintendents and foremen in the performance of their jobs as managers and supervisors. Modifications to the existing program will include:

1. Redesign the existing workshop to include an assessment and development action plan for Highway Maintenance District Superintendents and Foremen.
2. Conduct job analysis interviews which focus specifically on the tasks of the job and its successful performance by maintenance supervisors.
3. Modify existing behavioral dimensions to create new materials for both superintendents and foremen.
4. Develop new exercise materials applicable to superintendents and foremen.
5. Conduct training classes for observers.

Estimated cost of the project should not exceed \$24,500.00.

Final date for submission of proposals is March 28, 1983. Late proposals will not be accepted. Submit proposal to:

Gunnar P. Pederson, Manager  
Employee Development Section  
Minnesota Department of Transportation  
315 Transportation Building  
St. Paul, MN 55155

This notice of Request for Proposal does not obligate the state to complete the project and the state reserves the right to cancel the solicitation if it is considered to be in its best interest.

February 28, 1983

Richard P. Braun  
Commissioner of Transportation

# OFFICIAL NOTICES

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Pursuant to the provisions of Minn. Stat. § 15.0412, subd. 6, an agency, in preparing proposed rules, may seek information or opinion from sources outside the agency. Notices of intent to solicit outside opinion must be published in the *State Register* and all interested persons afforded the opportunity to submit data or views on the subject, either orally or in writing.

The *State Register* also publishes other official notices of state agencies, notices of meetings, and matters of public interest.

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## Department of Administration Building Codes and Standards Division

### Notice of Intent to Solicit Outside Opinion Regarding Proposed Rules Governing Amendments to the State Building Code

Notice is hereby given that the State Building Codes and Standards Division is seeking information or opinions from sources outside the agency in preparing to promulgate new rules governing the *State Building Code*. The promulgation of these rules is authorized by Minnesota Statutes sections 16.85 and 16.86, which permits the agency to amend the *State Building Code*.

The State Building Codes and Standards Division requests information and comments concerning the subject matter of these rules. Interested or affected persons or groups may submit statements of information or comment in writing. Written statements should be addressed to:

Peggi Opalinski  
Building Codes & Standards Division  
408 Metro Square Building  
7th & Robert Streets  
St. Paul, MN 55101

All statements of information and comments shall be accepted until April 8, 1983 at 4:30 p.m. Any written material received by the State Building Codes and Standards Division shall become part of the record in the event the rules are promulgated.

Norman R. Osterby, Director  
Building Codes and Standards

## Department of Commerce Insurance Division

### Notice of Intent to Solicit Outside Opinion Regarding Proposed Amendments to Rules Governing the Issuance and Sale of Variable Life Insurance (4 MCAR §§ 1.9401-1.9411)

Notice is hereby given that the Insurance Division is seeking information or opinions from persons outside the agency in preparing to promulgate amendments to the rules governing the issuance and sale of variable life insurance. Promulgation of these rules is authorized by Minnesota Statutes, section 61A.20.

The Insurance Division requests information and comments concerning the subject matter of these rules. Interested or affected persons or groups may submit statements of information or comment orally or in writing to: Dale McDonnell, Insurance Division, 500 Metro Square Building, St. Paul, MN 55101, (612) 297-3301.

Any written material received by the Insurance Division shall become part of the record in the event that the rules are promulgated.

Reynaud L. Harp  
Commissioner of Insurance

## **OFFICIAL NOTICES**

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### **Department of Energy, Planning and Development Criminal Justice Program of Office of Local Government**

#### **Notice of Availability of Monies for Juvenile Justice Grants**

The Minnesota Juvenile Justice Advisory Committee announces the availability of \$534,232 for juvenile justice grants to begin October 1, 1983 and end September 30, 1984. Applications for twelve month, new one-time projects must be received no later than June 1, 1983. Funds are available for projects that meet the requirements stated in the Minnesota Multi-Year Action Plan. Funds are available in the following areas: Prevention, Pre-adjudication Alternatives, Post-adjudication Alternatives and Training.

Application forms, the Multi-Year Action Plan and other program information can be obtained by contacting:

Steve Gustafson  
Criminal Justice Program  
Office of Local Government  
Department of Energy, Planning and Development  
100 Hanover Building, 480 Cedar Street  
St. Paul, Minnesota 55101  
(612) 296-8243

### **Department of Finance**

#### **Notice of Maximum Interest Rate for Municipal Obligations**

Pursuant to Laws of Minnesota 1982, Chapter 523, Commissioner of Finance, Gordon M. Donhowe, announced today that the maximum interest rate for municipal obligations in the month of March will be eleven (11) percent per annum. Obligations which are payable wholly or in part from the proceeds of special assessments or which are not secured by obligations of the municipality may bear an interest rate of up to twelve (12) percent per annum.

The maximum interest rate for obligations authorized by resolution prior to April 1, 1982 shall be twelve (12) percent per annum.

### **Minnesota State Advisory Council for Vocational Education**

#### **Notice of Public Hearings: Owatonna**

The Minnesota State Advisory Council for Vocational Education will conduct a public hearing on March 10, 1983 at the Parks & Recreation Center, 500 Dunnell Drive, Owatonna, on the vocational training needs of the private sector in Minnesota. Representatives of agriculture, business, industry and labor are encouraged to testify. The hearing will begin at 9:00 a.m.

Persons interested in testifying may contact the Council Offices in Minneapolis at (612) 377-6100 for additional information.  
February 25, 1983

### **Minnesota Teachers Retirement Association**

#### **Meeting Notice**

The Board of Trustees, Minnesota Teachers Retirement Association will hold a meeting on Thursday, March 24, 1983, at 1 p.m. in Room 302 Capitol Square Building, 550 Cedar Street, St. Paul, Minnesota to consider matters which may properly come before the board.

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